

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL DEPOSIT INSURANCE
CORPORATION,
In its Capacity as Receiver of IndyMac Bank,
F.S.B.,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

PAUL G. GARDEPHE, U.S.D.J.:

Counsel for all parties are directed to appear before this Court for an initial pretrial conference in accordance with Rule 16 of the Federal Rules of Civil Procedure on **Friday, October 30, 2009, at 10:00 A.M.**, at the United States Courthouse, 500 Pearl Street, New York, New York. **COUNSEL FOR PLAINTIFF MUST: (i) IMMEDIATELY NOTIFY ALL ATTORNEYS IN THIS ACTION BY SERVING UPON EACH OF THEM COPIES OF THIS NOTICE AND THE COURT'S INDIVIDUAL PRACTICES; AND (ii) SEND A COPY OF SUCH NOTICE TO CHAMBERS. IF PLAINTIFF'S COUNSEL IS UNAWARE OF THE IDENTITY OF COUNSEL FOR DEFENDANT, COUNSEL FOR PLAINTIFF MUST IMMEDIATELY SEND COPIES OF THE NOTICE AND INDIVIDUAL PRACTICES TO DEFENDANT PERSONALLY.** Principal trial counsel must appear at this and all subsequent conferences.

This case has been designated as an electronic case and has been assigned to me for all purposes. By the date of the initial pretrial conference, counsel for all parties

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ECF CASE

09 Civ. 6600 (PGG)

**NOTICE OF
PRETRIAL CONFERENCE**

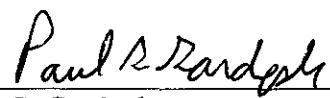
must register as filing users in accordance with the Procedures for Electronic Case Filing and file a Notice of Appearance.

Five business days before the conference, the parties must submit a joint letter addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement. For this Court's convenience, the parties must set forth the conference's date and time in the joint letter's opening paragraph. This Court directs the parties to consult its Individual Practices and model Case Management Plan and Scheduling Order – both of which are available on this Court's web site – **and to submit with their joint letter a jointly proposed Case Management Plan.** This Court will consider requests for adjournment of the conference only if they are in writing and otherwise in accordance with this Court's Individual Practices.

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that they – **before the date of the conference** – notify Chambers by calling (212) 805-0224 and send a stipulation of discontinuance, voluntary dismissal, or other proof of termination via email to the Orders and Judgments Clerk at the following email address: judgments@nysd.uscourts.gov.

Dated: New York, New York
September 24, 2009

SO ORDERED.



Paul G. Gardephe
United States District Judge